

## **AMENDMENTS TO THE CLAIMS**

**This listing of claims supersedes all prior versions and listings of claims in this application:**

### **LISTING OF CLAIMS:**

1. (currently amended) A method of operating a radio-based telecommunications system, wherein a common physical channel is used to transmit data on ~~the~~ a downlink from a radio base station ~~being~~ controlled by a radio network controller, to a mobile user equipment, wherein the data is transmitted in frame slots of a frame, each ~~the~~ frame representing a combination of transport channels, and wherein each of the frame slots slot of the frame ~~having~~ comprise a field for carrying ~~bits of said data bits~~ bits and ~~having~~ a field for carrying ~~bits of an~~ indicator bits, wherein said indicator ~~indicating~~ bits indicate the combination of said transport channels used in said frame, and ~~said indicator further indicating~~ indicates if no data is ~~to be~~ transmitted in said frame, wherein the method comprising ~~the steps of:~~

if data is transmitted in the frame, setting ~~the~~ a transmit indicator power of the indicator bits ~~in dependence from~~ based on a transmit data power of the data bits ~~if data is transmitted in the frame~~, and

~~or~~ if no data is transmitted in the frame, setting the transmit indicator power of said indicator bits ~~in dependence from~~ based on a virtual reference power, wherein the virtual reference power ~~which is calculated from parameters comprising~~ based on one of a first power values defined value defined by a radio network element, ~~in particular the radio network~~

~~controller, or comprising~~ and a second power values value representing an average of ~~that~~  
~~transmit powers which have been~~ used to transmit ~~that~~ data within at least two of the preceding  
frames.

2. (currently amended) [[A]] The method according to claim 1, wherein each frame slot  
~~of the frame further having~~ comprises a field ~~for carrying bits of a~~ which carries pilot bits,  
wherein said pilot ~~being a training sequence~~ bits are a pattern for optimizing the reception of the  
data on said common physical channel, the method further comprising ~~the steps of:~~

if data is transmitted, setting ~~the~~ a transmit pilot power of the pilot bits to based on said  
transmit data power of the data bits, and

if no data is transmitted, setting the transmit pilot power of said pilot bits ~~in dependence~~  
~~from~~ based on said virtual reference power.

3. (currently amended) [[A]] The method according to claim 1, wherein setting the  
transmit indicator power ~~and/or~~ and the transmit pilot power ~~are each adapted~~ to said virtual  
reference power by adding a respective power offset to said virtual reference power.

4. (currently amended) [[A]] The method according to claim 3, wherein the transmit  
indicator power and ~~and/or~~ the transmit pilot power are each set ~~adapted~~ to said virtual reference  
power as well as to said transmit data power by adding the same respective power offset.

5. (currently amended) ~~[[A]]~~ The method according to claim 1, wherein the first power values are predefined maximum power levels ~~levels~~ which are ~~shall~~ not ~~be~~ exceeded on the transport channels.

6. (currently amended) ~~[[A]]~~ The method according to claim 5, wherein one of the first power values comprise a ~~is the~~ paging channel power, and wherein at least another one is that a maximum forward access channel power which does ~~shall~~ not ~~be~~ exceeded on ~~the~~ a respective forward access channel.

7. (currently amended) ~~[[A]]~~ The method according to claim 5, wherein the virtual reference power is calculated by selecting a lowest power level from ~~out of~~ said maximum power levels ~~the lowest power level for being used at all or for being~~ which are used on the transport channels.

8. (currently amended) ~~[[A]]~~ The method according to claim 5, wherein the virtual reference power is calculated based on a mean power level based on ~~by building from~~ said maximum power levels ~~a mean power level for being~~ used on the transport channels.

9. (currently amended) A device ~~or a set of devices~~ for operating a radio-based telecommunications system, wherein a common physical channel is used to transmit data on ~~the~~ a

downlink from a radio base station ~~being~~ controlled by a radio network controller, to a mobile user equipment, wherein the data is transmitted in frame slots of a frame, ~~each~~ the frame representing a combination of transport channels, and wherein each of the frame slots ~~slot~~ of the frame ~~having~~ comprise a field for carrying ~~bits of said data~~ bits and ~~having~~ a field for carrying ~~bits of an indicator~~ bits, wherein said indicator ~~indicating~~ bits indicate the combination of said transport channels used in said frame, and ~~said indicator further indicating~~ indicates if no data is to be transmitted in said frame, the device ~~or set of devices~~ comprising:

means for setting ~~the~~ a transmit indicator power of the indicator bits ~~in dependence from~~ based on a transmit data power of the data bits, if data is transmitted in the frame, and

means for setting the transmit indicator power of said indicator bits, if no data is transmitted in the frame, ~~in dependence from~~ based on a virtual reference ~~power~~ power, wherein the virtual reference power is calculated ~~from parameters comprising~~ based on one of a first power ~~values~~ value defined by a radio network element, ~~in particular by the radio network controller or comprising~~ and a second power ~~values~~ value representing an average of ~~that~~ transmit powers ~~which have been~~ used to transmit ~~that~~ data within at least two ~~of the~~ preceding frames.

**Please add the following newly presented claim 10.**

10. (new) The method according to claim 5, wherein the virtual reference power is calculated by selecting a lowest power level being used at all from said maximum power levels.